

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|   |   |                     |
|---|---|---------------------|
| TRUSTEES of the CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, CHICAGO REGIONAL COUNCIL OF CARPENTERS WELFARE FUND, and CHICAGO REGIONAL COUNCIL OF CARPENTERS APPRENTICE & TRAINEE PROGRAM FUND, | ) | CASE NO. 08-CV-2397 |
|   | ) | JUDGE DOW           |
| Plaintiffs,   | ) |                     |
|   | ) |                     |
| v.  | ) |                     |
|   | ) |                     |
| TOP SHELF INSTALLATIONS, INC., and GERSHON SAPPERSTEIN, individually and d/b/a TOP SHELF INSTALLATIONS, INC., a dissolved Illinois corporation,   | ) |                     |
|   | ) |                     |
| Defendants.   | ) |                     |

**INITIAL STATUS REPORT**

**I. Plaintiffs' Attorney of Record**

Plaintiffs, TRUSTEES of the CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, et al., are represented by David P. Lichtman of Whitfield McGann & Ketterman. The Defendants are not represented by counsel; no appearances have ever been filed on behalf of the Defendants.

**II. Basis for Federal Jurisdiction**

Federal subject matter jurisdiction is premised on Section 502 of the Employee Retirement Income Security Act and Section 301 of the Taft-Hartley Act. (29 U.S.C. §§1132 and 185).

**III. Brief Summary of the Claims**

The Defendants, TOP SHELF INSTALLATIONS, INC., and GERSHON SAPPERSTEIN, individually and d/b/a TOP SHELF INSTALLATIONS, INC., a dissolved Illinois corporation (hereinafter referred to collectively as Defendant) breached the provisions of the Collective Bargaining Agreement and Trust Agreements by failing to submit monthly contribution reports to the Trust Funds for the period January 2008 through the present. Accordingly, the Complaint sought the fringe benefit reports for this period and the concomitant contributions, along with interest, liquidated damages and dues. In addition, the Complaint sought to allow Plaintiffs to submit estimates of the amount of contributions due should the Defendants fail to submit reports. The Defendants are in default and have filed no answer or appearance. There are no counterclaims or third party complaints.

**IV. Names of Parties Served**

All parties in the current Complaint were served.

**V. Principal Legal Issues**

This case involves determining the liability for the period of January 2008 through the present.

**VI. Principal Factual Issues**

The factual issues involve determining the amount of contributions owed.

**VII. Jury Status**

There is no jury demand.

**VIII. Status of Pending Motions**

A motion for default judgment was filed on June 26, 2008 and is scheduled to be heard on July 2, 2008 at 9:15 a.m.

**IX. Description of Discovery Requested**

Interrogatories, Request to Admit Facts, and the Rule 30(b)(6) deposition as to the allegations contained in the Complaint will need to if the Defendant cures the default.

**X. Trial Length.**

The trial will last for one-half day.

**XIII. Consent to the Magistrate Judge**

The Plaintiffs will consent to the Magistrate Judge for all issues, including a possible bench trial. The Defendants have taken no position on consent.

**XI. Settlement**

The Defendants are in default as of June 23, 2008 and has not responded to any formal or informal demands/inquiries from the Plaintiffs.

Respectfully submitted,

By: /s/ DAVID P. LICHTMAN

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